



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO. 09/488,837	FILING DATE 01/19/00	FIRST NAMED INVENTOR WINTER	A	ATTORNEY DOCKET NO. 09-227-153
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HM32/0712

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EXAMINER
NAZARIO SANCHEZ, P

ART UNIT
1221

PAPER NUMBER

07/12/00

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.
09/488,037

Applicant(s)
Winter et al.

Examiner
Porfirio Nazario-Gonzalez

Group Art Unit
1621

All participants (applicant, applicant's representative, PTO personnel):

(1) Porfirio Nazario-Gonzalez

(3) Dr. Stefan Seelert

(2) Mr. Ashley J. Pezzner

(4) _____

Date of Interview Jul 7, 2000

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1-3

Identification of prior art discussed:

N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Pezzner argued that Applicants are entitled filed claims that are patentably distinct from the lost count (See final judgment, page 3, second paragraph of interference no. 104447). The Examiner argued that since Applicants didn't move in the interference phase to narrow the count and/or argued that the claimed subject matter in the reissue case is patentably distinct from the count by presenting a motion, Applicants are estoppel from claiming the subject matter that is part of the count.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Porfirio Nazario-Gonzalez
PORFIRIO NAZARIO-GONZALEZ
PRIMARY EXAMINER
PC GROUP 1200 1600